Court No. 2

Civil Misc. Writ Petition No. 856 (S/S) of 2003

Dhayan Pal Verma ……. Petitioner

Versus

Chief Forest Conservator
Uttaranchal, District-Dehradun
and another

…… Respondents

……

Hon'ble P.C. Verma, J.

By means of this writ petition the petitioner has challenge the transfer order dated 16.08.2003 passed by respondent No. 1, contained in Annexure No. 1 to the writ petition, on the ground that in the order of transfer it has been written that transfer order was passed on the request of the petitioner himself. Learned counsel for the petitioner submits that the petitioner never extended any request for transfer. He is being deprived of the transfer allowance.

The ground of challenge is that his father is of 80 years of age and he has pious obligations to discharge. The third ground is that the petitioner's children have been admitted in the different institutions and if he is transferred the education of the children will suffer. So far as first ground is concerned that the petitioner never made a request for transfer, it may be noticed that it is annual chain of transfer. If the petitioner has not made any request for transfer, he shall be entitled to the transfer allowance. With regard to other grounds, the transfer order cannot be stayed as the petitioner can take his father with him at the transferred place and can discharge his pious obligations. The petitioner may also get his children at the transferred place admitted in the schools and if there is any difficulty the District Magistrate concerned may direct the district inspector of Schools to get the admission of the children of the person who is transferred. Therefore, none of the grounds are tenable under the law.

The writ petition lacks merit and is hereby dismissed.

However, in case the petitioner makes any representation, the same shall be considered by the authority concerned sympethatically within a period of 15 days from the date of receipt of this order.

23.8.2003
P.Singh

(P.C. Verma, J.)